

## Legislative Summary for 2003

NOTE: [Blue](#) text that is underlined indicates an active link.

The following is a brief review of legislation considered by the General Assembly in the year 2003. This was the first year of the 2003-2004 biennium. The following report is categorized into

- [Significant education bills that passed in 2003](#),
- [Bills that passed of less significant magnitude to education](#) and
- [Bills carried forward for consideration next year](#).

Chief Financial Officer, Bill Talbott, reviews the budget bill (H. 464, Act#66) under a separate document.

If you need further information regarding any legislation, please contact Andy Snyder at (802) 828-1086 or [asnyder@doe.state.vt.us](mailto:asnyder@doe.state.vt.us). For complete act and bill listings, please reference the Vermont Legislative Web-site at [www.leg.state.vt.us](http://www.leg.state.vt.us).

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### **The following are significant education bills that passed in 2003:**

#### **Education Finance (H. 480, Act#68)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT068.HTM>

This is the bill that changes the manner in which education is funded in Vermont and has additional educational policy provisions. Changes agreed to in this “reform” plan include:

- The definition of a “house-site” is a house plus two acres, but homeowners will receive a tax credit of \$10 per acre in school taxes for up to five acres beyond the “house-site.”
- The base education payment (formerly the “block grant”) will be \$6,800 when the plan goes into effect in 2005. For 2004 the block grant will be \$5,810.
- Tax penalties for excessive education spending are invoked under the new formula.
- A split grand list is created between residential and nonresidential properties. The homestead rate in a town (\$1.10) will rise based on how much each school district decides to spend per pupil. The nonresidential rate, for commercial and second homeowners, will remain fixed at \$1.59 regardless of the level of spending.
- Sales tax is increased from five to six cents. It is the intent of the General Assembly to conform to the interstate Streamlined Sales Tax Agreement as soon as that agreement takes effect.
- Sec. 43 requires the Commissioner of Education to request from partner organizations a list of all requirements placed on local school districts that are believed to be unnecessarily burdensome or redundant. The commissioner may then act accordingly to remove or revise the requirement in a variety of ways.
- Sec. 44 refers to administrative rules affecting school districts. It requires any agency proposing rules affecting schools to evaluate the cost implications to local school districts and school taxpayers, clearly state the associated costs, and report them.
- Sec. 45 directs the Commissioner of Education and the Secretary of the Agency of Human Services to prepare a plan to establish a cost effective system for delivery of special education services to children served by both agencies, including those in transition from school to adult services. The plan is intended to contain growth in special

education costs. Legislation to implement the plan may be proposed for introduction in January of 2004.

- Sec. 46 addresses the manner in which schools report student performance results to community members in a format selected by the school board.
- Sec. 47 grants funds up to \$5,000 to each supervisory union board which applies for a grant to jointly negotiate teacher contracts.
- Sec. 48 creates requirements for school boards prescribing the manner in which budget materials are presented.
- Sec. 49 creates an award of fifty percent school construction aid for consolidated projects.
- Sec. 50 rescinds votes under Act 144 of 2001. This law allowed a school district electorate to vote to remove spending for capital costs – including debt service – from the calculation of their local education spending and thereby funding school construction on its municipal tax base.
- Sec. 69 appropriates and establishes an education quality study. This is to be contracted by the Commissioner of the Department of Education. The study shall analyze the educational methods and spending strategies used in the different types and structures of Vermont public schools and school districts to educate students. \$50,000 is appropriated for fiscal year 2004 for this expenditure.
- Sec. 70 establishes a joint legislative education cost containment study. This committee shall review special education standards and litigation reduction, economies of scale in administrative models, student/teacher ratio and class size, coordinated staff recruitment and possible state funded assistance for teacher and staff bargaining support, state and local mandates, opportunities for joint purchasing, health insurance and workers compensation, technology related savings, program collocation, alternatives for paying for technical education and incentives and disincentives in state funding for special education, technical education and local schools. The committee, comprised of legislators, shall report by January 15, 2004. The Department of Education is requested to “assist.”
- Sec. 71 creates a council on education governance. Among the members of this council shall be a member of the state board of education, chosen by the chair of the board. The commissioner and the governor shall jointly choose two parents. In total, the council shall consist of seventeen members and shall seek private sources of funding in order to conduct its mission. The council shall gather information on education governance, implement a process for discussion of effective governance models and following widespread public feedback, if efficiencies and enhanced quality would result from modifications to the governance structure, make recommendations for legislation.
- Sec. 80 provides planning grants for creating unified union school districts. School districts may apply to the commissioner for an award of \$4,000 to a planning committee consisting of two school districts and additional \$1,000 for each additional school district. No planning committee may receive more than \$7,000. The Secretary of the Administration shall pay these grants out of the education fund.

**NCLBA – State Accountability Alignment (S. 185, Act#64)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT064.HTM>

The Department of Education urged introduction of this bill to assure that Vermont law was consistent with federal requirements in order for Vermont to be eligible for federal funds dedicated to serve disadvantaged students or those in poverty. S. 185 accomplishes four things:

- Clarifies that the statutory language authorizing the State Board of Education to administer federal ESEA funds extends to the provisions of the NCLBA.
- Brings Vermont's education accountability system into alignment with that required under NCLBA.
- Updates Vermont's laws regarding homelessness. NCLBA amends the McKinney-Vento Homeless Act with respect to the education of children of homeless parents. State law now attempts to establish what factors may be considered by school officials in determining whether it is feasible to transport students.
- Creates a joint legislative oversight committee in order to monitor developments in connection with NCLBA. The committee will review significant NCLBA-related contracts and grants as well as significant policy and rulemaking decisions, and make recommendations to the State Board of Education and Commissioner. The committee is charged with reporting to the legislature annually, ensures that neither the state nor local school districts will incur costs to implement NCLBA other than those paid for by the federal government and sunsets in two years. The committee will be composed of eight legislators meeting monthly or as needed. They will receive full per diem and expenses compensation and shall be staffed by legislative council and the joint fiscal office.
- There is no appropriation in this bill other than to the oversight committee. The Department of Education will incur certain costs as we work with the oversight committee to help them accomplish their work over the next two years.

**Capital Bill (H. 457, Act#63)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT063.HTM>

This year's capital bill contains the following:

- \$8,600,000 is appropriated for school construction projects
- \$250,000 is appropriated for construction planning for the North Country Career Center.
- \$400,000 is appropriated for continued planning for the new Chittenden County Regional Technical Center.
- \$1,000,000 is appropriated for construction at the Southeastern Vermont Career Education Center.
- \$500,000 is appropriated for technical education equipment.
- \$318,000 is appropriated for the Hannaford Technical Center in Middlebury for the construction and development of an agricultural workforce development center project.
- Creation of the North Country Workforce Development Board with the task of establishing a regional technical center school district and the location of a new center. The commissioner of education will provide administrative support; the staff of legislative council will provide support to the department if needed.
- Secs. 42 and 43 incorporate the language from S. 139 regarding selection of a president for the Vermont School for the Deaf and Hard of Hearing (formerly the Austine School) and its borrowing authority.
- Sec. 44 directs the voters of the Twinfield Union School District toward a vote on acceptance of the 30% state share of school construction aid prior to October 1, 2003.
- Sec. 45 incorporates similar language to S. 123 allowing New York State residents to attend the Southwestern Vermont Career Development Center, on a space available basis, for a fee that is \$100.00 more than the amount it assesses a sending district for a student who is a resident of Vermont.

### **Technical Corrections (H. 477, Act #36)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT036.HTM>

This is the annual bill designed to “clean up” language in statute that has become out dated or needs clarification. Included in this year’s technical corrections bill are:

- Superintendent powers and duties.
- Nominations for at-large board members in union school district formations.
- Clarification of which school board makes residency determinations.
- Making Vermont gun-free school laws consistent with federal requirements.
- Storage of school registers.
- Repayment of deficits.
- Insurance coverage by Vermont School Boards Insurance Trust.
- Making Vermont special education advisory council membership consistent with federal law.
- Making Vermont special education unilateral placement language consistent with federal law.
- Amending language regarding credits earned to enable students to participate in technical education.
- Inclusion of gores and unorganized towns in funding formulae.

### **The following are other education bills that passed in 2003 (in order according to assigned Act number):**

#### **Public Bidding and Transportation Contract Requirements (H. 147, Act#12)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT012.HTM>

This Act makes several changes to the existing public bidding requirements for school boards. It makes a clear distinction between contracts for purchases and contracts for services. It would not require a public bid process for renewal of contracts where the annual costs would not exceed 30 percent of the costs of the original contract and allows for termination by the board following an annual performance review. 16 V.S.A. §559 is modified to make clear that local or supervisory school boards must publicly advertise or invite three or more bids for services or items in excess of \$15,000 - up from the previous \$10,000 - if they fall under these categories:

- Construction, purchase, lease or improvement of any school building;
- Purchase or lease of any items required for supply, equipment, maintenance, repair or transportation of students; or
- A contract for transportation, maintenance or repair services.

It also removes any restrictions on the length of, and approval by the electorate of, leases of personal property. Lastly, the cap on the length of school bus contracts is removed.

#### **Emergency Preparedness Drills in Schools (H. 83, Act #16)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT016.HTM>

This Act requires schools to conduct “emergency preparedness” drills in addition to fire drills that are already required by law. The penalty for noncompliance is increased from \$20.00 to \$500.00, and the responsibility is targeted to the school district, independent school, or educational institution responsible for the administrative neglect.

**Permitting Service Dogs in Public Accommodations (H. 320, Act# 17)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT017.HTM>

This Act permits an individual who is accompanied by a service dog to be in any place of public accommodation, including schools. The service dog is permitted to stay with its master.

**Budget Adjustment Act (H. 478, Act#19)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT019.HTM>

Sec. 31 corrects the state appropriation for state-placed students from last year's appropriation bill. The amount was reduced from \$11,234,600 to \$9,858,500. This was done at our request.

**Scholarships for Children of National Guard Members Killed While on Duty (H. 29, Act#21)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT021.HTM>

This Act establishes residency requirements for scholarships to children of Nation Guard members killed while on duty.

**School District Participation in Federal School Meals Programs (H. 54, Act#22)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT022.HTM>

This Act amends the already existing requirement for school districts to provide school lunches. It further provides that school boards may exempt themselves from the obligation to provide breakfast and lunch if they vote to opt out and annually conduct a community discussion on whether to continue the exemption.

Presently, there are over seventy schools that fall into this category by not providing either breakfast or lunch. The Department of Education will be required to notify the school boards in writing that their exemption will expire. The administrative burden on our Child Nutrition Specialist is already quite severe. There is no appropriation for additional administrative funds in this act. We are presently working with our federal congressional delegation as Congress reauthorizes the National Child Nutrition Act to increase the administrative set aside in what is referred to as "the small state minimum."

**An Act Relating to Motor Vehicle Passenger Safety (S.25, Act#28)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT028.HTM>

Sec. 3 states that the governor's highway safety program, the Department of Health, and the Department of Education shall be responsible for a public information campaign to educate the public about the change in the law and the low cost seat program.

**Department of Information and Innovation (H. 458, Act#31)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT031.HTM>

The Department of Information and Innovation is created with a position of Commissioner and an Advisory Board. Included in the responsibilities of the new department are management of GOVnet and K-12net, review and approval of computer system upgrades, inventory technology assets and coordination of information technology training within state government.

**Education Assistance for National Guard Members (S. 149, Act #39)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT039.HTM>

This Act offers an interest free loan to an active member of the Vermont Army National Guard or Air National Guard to pay for tuition and fees to a Vermont college, university or technical center.

**Mandatory Reporting of Suspected Child Abuse and Neglect (S. 93, Act #43)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT043.HTM>

This law adds clergy to the list of mandatory reporters of suspected child abuse and neglect. It also directs SRS to develop protocols for training for mandatory reporters (which includes teachers and other school staff).

**Electronic Transactions (H. 148, Act#44)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT044.HTM>

This Act assists the Consolidated Federal Programs team at the Department of Education to accept e-signatures as it transitions to an electronic application system.

**Restructuring the Agency of Human Services (450, Act# 45)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT045.HTM>

This Act discusses the restructuring of the Vermont Agency of Human Services and sets among its goals and principles to improve services to Vermonters through collaboration with other agencies, including those responsible for housing, education, transportation, employment and justice.

**Continuation of Technical Education Pilot Projects (S. 23, Act #46)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT046.HTM>

This Act extends the period of waiver approval from the Commissioner of Education for technical center pilot projects until June 30, 2005.

**Selling or Dispensing Illegal Drugs (H. 206, Act#54)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT054.HTM>

Sec. 8 of this Act amends 18 VSA § 4237 to address the selling or dispensing illegal drugs to minors on school grounds. The definition of “school grounds” is clarified and expanded to include real property abutting a public or private elementary, secondary, or vocational school. It also includes dispensing of drugs within view on real property abutting real property owned by a school. The selling or dispensing of drugs is a violation under this section only if it occurs within 500 feet of the school property. Conviction of an offense under this statute can result in a prison term of up to ten years.



**Transportation Capital Bill (H. 454, Act#56)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT056.HTM>

Among other transportation capital projects receiving funding this year, funds are appropriated for the construction of a pedestrian walkway between the new Mount Anthony Middle School and the town of Bennington.

**Implementing the Federal Help America Vote Act (H. 460, Act#59)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT059.HTM>

This Act aligns state election statutes to the federal Help America Vote Act. Included in this law is language that allows informational hearings for school budget defeats where budgets were by Australian ballot to be held within five days of the public notice thereof.

**Municipal Tort Liability (H. 453, Act#62)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT062.HTM>

This Act states that when two or more conflicting statutes provide protection to a municipal employee whose act or omission is alleged to have caused damage to property, injury to persons, or death, a court shall apply the statute that grants greater protection to the municipal employee. In the case of a school employee (a school district is a municipality), the greater protection is likely provided under Title 16 of the Vermont statutes.

**Higher Education Investment Plan Income Tax Credit (H. 141, Act#65)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACT065.HTM>

This bill allows for a taxpayer, including a spouse filing a joint return, to be eligible for a nonrefundable credit against the tax imposed. The individual is eligible for five percent of the first \$2,000 per beneficiary, contributed by the taxpayer during the taxable year to a Vermont higher education investment plan account.

**Expressing Vermont's Strong Disagreement With The Overly Prescriptive Policies And Unfunded Mandates Contained In The Federal No Child Left Behind Act (Joint House Resolution #025 (R207))**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/acts/ACTR207.HTM>

This resolution, adopted by the House and Senate, expresses concerns over NCLBA through the following resolves:

- That the General Assembly expresses its concern with the potentially unfunded mandates of NCLB.
- That the General Assembly will not appropriate any state funds for implementing the act which would not otherwise have been expended for public education under existing state education laws.
- That prior to adopting any new rules for the purpose of complying with NCLB, the state board of education or the commissioner of education shall submit a written proposal describing the rule and the potential costs to local school districts of implementing the rule to the senate and house committees on education.

- That on or before January 1 of each year, the commissioner of education shall submit to the senate and house committees on education and appropriations a statement of expenditures by the state and local school districts made in order to comply with NCLB.

### **Bills and Items Carried Forward into Next Year**

#### **Early Education (S. 166)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/bills/intro/S-166.HTM>

This bill, promoted by the Department of Education and sponsored by eighteen senators has gone through a lengthy presentation period before the Senate Education Committee. Committee members decided not to move forward with the bill this year. They hope to use the off-session period to promote the concepts of the bill in their local districts and communities. The language in the bill has been marked up, improved and we expect it will move forward early in next year's session.

#### **Racial Harassment (H. 113)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/bills/intro/H-113.HTM>

This bill has been voted favorably out of House Education Committee twice this year! The language in the bill has changed significantly, but still contains a controversial provision establishing a very high standard for schools to meet to avoid liability under Vermont's public accommodations law. The bill was referred to the House Judiciary Committee. I believe this committee will take the bill up for consideration next year.

#### **Regional Technical Academies (H. 65)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/bills/intro/H-065.HTM>

Even though this bill was voted favorably out of the House Education Committee, the House Ways and Means Committee was unwilling to move forward on this bill due to the potential costs associated with the Lake Champlain Chamber of Commerce proposal. There are some legislators who would prefer to give technical education issues a rest next year. Others wish to continue with this legislation.

### **Special Education**

Act 117 review and the renewal of the special education formula are issues that will be front and center in the legislature next year. Included in this review will be the legislative requirements put in place this year for the formulation of a plan to move special education administration from education to human services.

### **Public School Choice**

Act 150 of 2000 requires the Department of Education to report to the legislature by January 15, 2004, on the implementation of this act.



### **School Nutrition and Provision of Locally Grown Foods in Schools (H. 88)**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2004/bills/senate/H-088.HTM>

This bill, which came apart in Committee of Conference toward the end of this year's session (for reasons unrelated to the education provision), contains a provision for the commissioners of education, health and agriculture to create an interagency agreement. The purpose would be to improve access to locally grown foods in schools, nutritional quality of meals provided and increase access to federal funds. The Department of Education is now deliberating over whether we have the capacity within the department at the present time to move ahead with this worthy initiative administratively rather than wait for the legislation to pass next year.

### **Governor's Diploma**

The legislature of 2002 delayed the implementation of the Governor's Diploma for two years. The upcoming legislative session will need to act to implement the program, extend the delay or kill the program altogether.

### **Education Funding Adjustments**

When Act 60 became law in 1997, many adjustments were necessary the following legislative year. Even though the funding changes brought forth by H. 480 will not take effect until 2005, we anticipate that there will be required adjustments in the upcoming legislative session.

### **Technical Corrections**

We already have a list of provisions that need to be addressed during the 2004 legislative session.

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